

## UNITED STATES DISTRICT COURT

for the

Central District of UtahCase No. 2:16mj398 DIVFILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
JUL 27 2016  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

In the Matter of the Search of  
**DERECK JAMES HARRISON**, date of birth 08/14/1993,  
 currently incarcerated at the Davis County Jail, 800 West State  
 Street, Farmington, UT

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 )

Hairs from the head of **DEREK JAMES**  
**HARRISON**  
 (more fully described in Attachment B)

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## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Central District of Utah (*identify the person or describe property to be searched and give its location*):

## See Attachment A.

The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*):

## See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

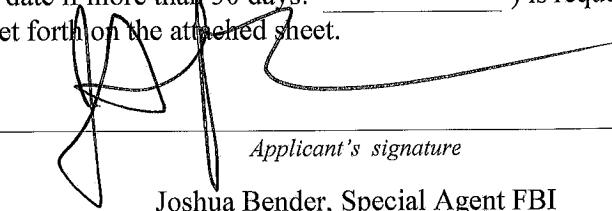
evidence of a crime;  
 contraband, fruits of crime, or other items illegally possessed;  
 property designed for use, intended for use, or used in committing a crime;  
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. §§ 1201, and the application is based on these facts:

## See Attached Affidavit.

Continued on the attached sheet.

Delayed notice of    days (give exact ending date if more than 30 days:                   ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
*Applicant's signature*

Joshua Bender, Special Agent FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: July 27, 2016

  
*Judge's signature*

City and state: Salt Lake City, Utah

PAUL M WARNER, United States Magistrate Judge

*Printed name and title*

Attachment A: Items to be searched

DERECK JAMES HARRISON, date of birth (DOB) 08/14/1993, currently in custody at the Davis County Jail, 800 West State Street, Farmington, UT.



Attachment B: Items to be seized

- 1) Collection of as many hairs as that are naturally shed while combing the hair
- 2) 25 hairs plucked from the head (5 hairs from 5 different sections of the head)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

IN THE MATTER OF THE SEARCH OF  
DERECK WAYNE HARRISON

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH AND SEIZURE WARRANT**

I, Joshua A. Bender, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been since August 24, 2014. I received extensive training at the FBI Academy in Quantico, VA which covered numerous aspects of conducting investigations, collecting evidence, and the equipment, techniques and technology used in those investigations. I am assigned to the Salt Lake City Violent Crimes Task Force. As part of this assignment I have investigated violations of federal law to include bank robberies, kidnappings, homicides, narcotics, gangs, sexual exploitation of children, theft of government property, and other violent criminal threat matters. Your affiant has been involved in writing and executing search warrants, interviewing victims and suspects, and conducting arrests. I have gained experience through training and everyday work related to conducting these types of investigations.

2. As a federal agent, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants under the authority of Federal Rule of Criminal Procedure 41.

3. As the assigned case agent on this matter I am familiar with the details of the investigation to date. The facts in this affidavit come from my personal observations, my training

and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. The purpose of applying for this warrant is to extract sufficient hair samples to allow for mitochondrial DNA testing and microscopic comparisons against hairs discovered on or near the deceased body of KAY PORTER RICKS. It is believed that on May 12, 2016, RICKS was kidnapped in Salt Lake City, Utah and then transported to Lincoln County, Wyoming where he was subsequently killed. There is reason to believe that the comparison and analysis of hairs previously collected against those from DERECK HARRISON would be of evidentiary value.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18 United States Code Section 1201 have been committed by FLINT WAYNE HARRISON, the kidnapping of KAY PORTER RICKS that resulted in death. There is also probable cause to believe DERECK HARRISON's hair that will provide evidence of that criminal violation.

**PROBABLE CAUSE**

6. On May 10, 2016, the Centerville Police Department in Utah responded to a reported kidnapping and aggravated assault involving five (5) female victims. It was reported that FLINT WAYNE HARRISON and DERECK JAMES HARRISON, who were known to the victims, had bound the female victims with pre-arranged supplies such as duct tape and zip ties. One of the victims was struck in the head with a baseball bat and another victim was choked with

the bat. All five victims were threatened with a shotgun. The alleged assault lasted for approximately ten (10) minutes.

7. Responding law enforcement officers from the Centerville Police Department learned that FLINT and DERECK fled the area, driving a silver suburban owned by FLINT. DERECK's cellular telephone was recovered at the house where the alleged kidnapping and aggravated assaults took place. A search of DERECK's cellular telephone showed a text message conversation during the time of the assault between FLINT and DERECK. A text message made reference to DERECK telling FLINT to go into the room where the hostages were being held and how DERECK would come in with the machete.

8. FLINT's suburban was located abandoned in Farmington, Utah, near the border with Centerville, Utah on May 11, 2016. That same day, arrest warrants were issued for the arrest of FLINT and DERECK for the alleged kidnapping and aggravated assaults that took place upon five (5) female victims in the State of Utah. The warrants were entered into NCIC and were extraditable nationwide.

9. Utah law enforcement learned that FLINT lived in Pinedale, Wyoming and was very familiar with the area around Pinedale. FLINT's ex-wife mentioned to law enforcement that she believed if FLINT needed to escape law enforcement that he would flee to the State of Wyoming. Law enforcement throughout the State of Wyoming were notified regarding the possible whereabouts of FLINT and DERECK. Given the fact that FLINT had ties to Pinedale, Wyoming, law enforcement focused their efforts in locating FLINT and DERECK in the Pinedale, Wyoming area.

10. On May 12, 2016, at approximately 3:30pm, KAY PORTER RICKS arrived for his work shift with the Utah Transit Authority (UTA) at 2264 South 900 West, Salt Lake City,

Utah. Around 4:15pm, RICKS left the UTA yard. At approximately 4:59pm, a commotion was transmitted of RICKS' radio, which was followed by his radio being turned off at 5:00pm. Around 6:00pm, UTA dispatch attempted to contact RICKS by radio in order to notify him of a trouble ticket. RICKS did not respond to the radio call. RICKS also failed to answer or return several phone calls from UTA and his wife. RICKS was reportedly an outstanding employee and his disappearance was out of the ordinary to fellow employees and family members.

11. On May 13, 2016 at approximately 12:05am, UTA reported RICKS missing to the Salt Lake City Police Department along with the UTA vehicle driven by RICKS during his shift, a white 2013 Ford F-150, bearing Utah license plate 206886EX. Around 1:03am, RICKS' wife also reported RICKS disappearance to the Salt Lake City Police Department. RICKS, and the UTA vehicle driven by RICKS, was entered into the National Crime Information Center (NCIC) as a missing person and a stolen vehicle. RICKS was known to have a Google Nexus 7 tablet and a portable hand held radio, both UTA property, at the time of his disappearance. Utah law enforcement shared the information regarding RICKS and the missing vehicle with law enforcement in surrounding states, including Wyoming. Information regarding RICKS' disappearance was published on local new outlets throughout Utah and Wyoming.

12. On May 14, 2016, at approximately 2:00am, FLINT surrendered to law enforcement officers at the Sublette County Sheriff's Office in Pinedale, Wyoming. FLINT was taken into custody for the warrant issued for his arrest from the State of Utah regarding the alleged kidnapping and aggravated assaults. Sublette County officers conducted a recorded interview of FLINT focused on locating DERECK, who continued to present a substantial risk to public safety. As such, FLINT was not provided Miranda warnings prior to the interview. The interview was limited in scope to indentifying the location of DERECK.

13. During the interview, FLINT stated that DERECK was hiding in the area near Half Moon Lake, in Sublette County, Wyoming and told FLINT that he would shoot it out with law enforcement if he was located. FLINT stated that DERECK was a “killer,” that DERECK killed people in the past and how DERECK would steal a vehicle to get away. FLINT knew DERECK had two (2) knives, both of which were covered in blood because they were his trophies. FLINT told the investigator he had information regarding a murder, but wanted to speak to an attorney prior to providing more details.

14. Late in the day on May 14, 2016, DERECK was located by Wyoming law enforcement walking down a road near Half Moon Lake. DERECK was taken into custody by law enforcement officers from the United States Forest Service on the outstanding arrest warrant from Utah without incident. DERECK was booked into the Sublette County Jail.

15. On May 17, 2016, at approximately 8:08am, Diamondville Police Department received information from the Sublette County Sheriff’s Office about two (2) known, but unnamed females, that observed a vehicle matching the description of RICKS work vehicle in the drive thru at the Arctic Circle restaurant in Diamondville, Wyoming on May 12, 2016. The two females were shown photographs of FLINT, DERECK, and RICKS. Both females identified FLINT and DERECK as the individuals they observed inside the UTA truck. Neither of the females recognized RICKS. The Diamondville Police Department conducted a search of local surveillance video cameras and observed the missing UTA vehicle passing by a Maverick gas station in Kemmerer, Wyoming on May 12, 2016. The video surveillance showed two (2) unidentifiable persons inside the UTA vehicle.

16. On May 17, 2016, at approximately 12:40pm, Lt. Lance Gehlhausen interviewed MELISSA HARRISION, FLINT’s wife, at the Sublette County Sheriff’s Office in the presence

of her attorney, Neal Sterling. During the course of the interview MELISSA advised Lt. Gehlhausen that on Thursday, May 12, 2016 she went to Utah to retrieve a vehicle that had been driven to Utah by FLINT. The vehicle was seized by the Centerville Police Department following the reported kidnapping and aggravated assault. Centerville Police released the vehicle to MELISSA on May 12, 2016. MELISSA stated that she arrived home at approximately 10:30pm and when she entered her residence, 36 Arrowhead Avenue in Pinedale, Wyoming, FLINT was already at the residence. MELISSA stated that FLINT was only at the house for approximately five minutes while she was there. By the time she arrived, "they" had already gotten what they needed from the house and packed it out but FLINT had stayed behind to say goodbye. MELISSA stated that FLINT was washing clothes when she arrived. The clothes were washed and dried, but still at her residence. Later that day she provided those clothes to the Sublette County Sheriff's Office.

17. Based on this information received from the Sublette County Sheriff's Office, on May 17, 2016, deputies from the Lincoln County Sheriff's Office in Kemmerer, Wyoming and the Chief of Police from Diamondville, Wyoming started to search areas in Lincoln County along Highway 189 from Interstate 80 and working north toward Pinedale, Wyoming. At approximately 5:54pm, Lincoln County Sheriff's Office K9 Deputy Cory Stoof was searching a dirt road located off State Highway 412 (also known as Carter Cutoff), a quarter mile from Highway 189, when he noticed a blue colored object on the ground. Deputy Stoof believed the object to be a pair of blue jeans. Without disturbing the area, Deputy Stoof walked closer to the object and observed a deceased male lying on the ground. The body of the deceased male was dressed in a blue shirt that appeared to be a work uniform. Deputy Stoof and other law enforcement officers secured the scene.

18. Responding officers from the Wyoming Division of Criminal Investigation, the UTA police, and the Centerville Police Department confirmed that the deceased male was RICKS. It appeared that RICKS' throat was cut and that he suffered severe injury to his face. The Wyoming State Crime Lab responded and processed the scene for evidence. RICKS' body was transported to Salt Lake City for an autopsy. Additional evidence collected was forwarded to the FBI Laboratory in Quantico, Virginia for analysis.

19. On May 19, 2016, the missing UTA vehicle was located, abandoned in a wooded area of Kelly Park, north of Half Moon Lake in Sublette County, Wyoming. The exact location of the vehicle was marked by a GPS as N 42° 77' 32.7" W 109° 44' 34.0". Law enforcement responded to the area and confirmed that it was the missing UTA vehicle. Lying on the ground around the passenger side of the vehicle were various food items, a UTA logbook, and cigarette butts. Both passenger side doors were left open. Law enforcement collected the items from the ground as evidence and observed various items inside the passenger compartment including a bag and clothing. The hood of the engine compartment was open. In attempting to close the hood it was discovered that a black tool box sat on the engine, preventing closing of the hood. It was also determined that the battery had been disconnected.

20. The doors of the UTA vehicle were shut and the vehicle was secured as evidence. The vehicle was towed to the FBI Field Office in Salt Lake City and processed for evidence by the Salt Lake City FBI Evidence Response Team. During processing, ERT recovered samples of fluorescent green spray paint from the driver's and passenger's doors of the UTA vehicle. Further processing revealed the presence of a can of fluorescent green spray paint and paper towels used to wipe the fluorescent green paint from the doors. Fluorescent green paint was also located on a piece of sage brush located approximately sixty yards from where RICKS' body

was discovered. Also located within the UTA vehicle was a receipt from Arctic Circle located in Diamondville, Wyoming.

21. A can of fluorescent green spray paint was found in the UTA truck. FLINT's fingerprints were located on the can of spray paint. FLINT's fingerprints were also found on the interior door handle on the driver's side of the vehicle. Fingerprints from DERECK were located on a portion of the grill of the UTA truck.

22. While FLINT and DERECK were incarcerated in the Sublette County, Wyoming jail, search warrants were issued that permitted investigators to extract a DNA sample from both FLINT and DERECK via buccal sample. The DNA samples were sent to the FBI Laboratory for use as comparison samples. The FBI Laboratory found FLINT's DNA on RICKS' body and the steering wheel of the missing UTA vehicle. DNA from DERECK was located on a fork recovered from the dashboard of the missing UTA truck and also on a water bottle located inside the vehicle that also contained DNA from RICKS.

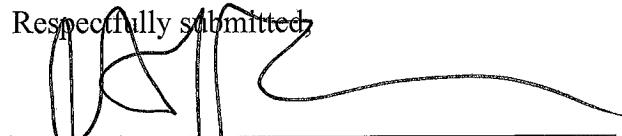
23. During the processing of RICKS' body and the surrounding area, RICKS' hands were placed in bags in order to preserve trace evidence. After processing, the bags were removed from RICKS' hands and sent to the FBI Laboratory in Quantico, Virginia for processing. During a trace evidence examination, hairs from the head of a Caucasian individual were located within the bag that had been placed around RICKS' left hand. The FBI Laboratory determined that the hairs were unsuitable for nuclear DNA testing but were suitable for microscopic comparisons and potentially for mitochondrial DNA.

24. The FBI Laboratory has requested hair samples from DERECK HARRISON in order to conduct microscopic comparisons and mitochondrial DNA comparisons against hairs previously collected.

**AUTHORIZATION REQUEST**

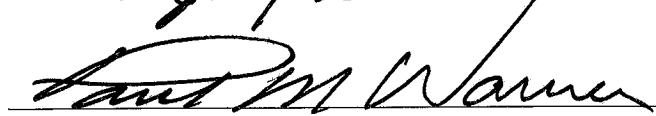
25. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41, authorizing the search of DERECK JAMES HARRISON as described in Attachment A and seizure of hair samples as described in Attachment B.

Respectfully submitted,

  
Joshua A. Bender  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me

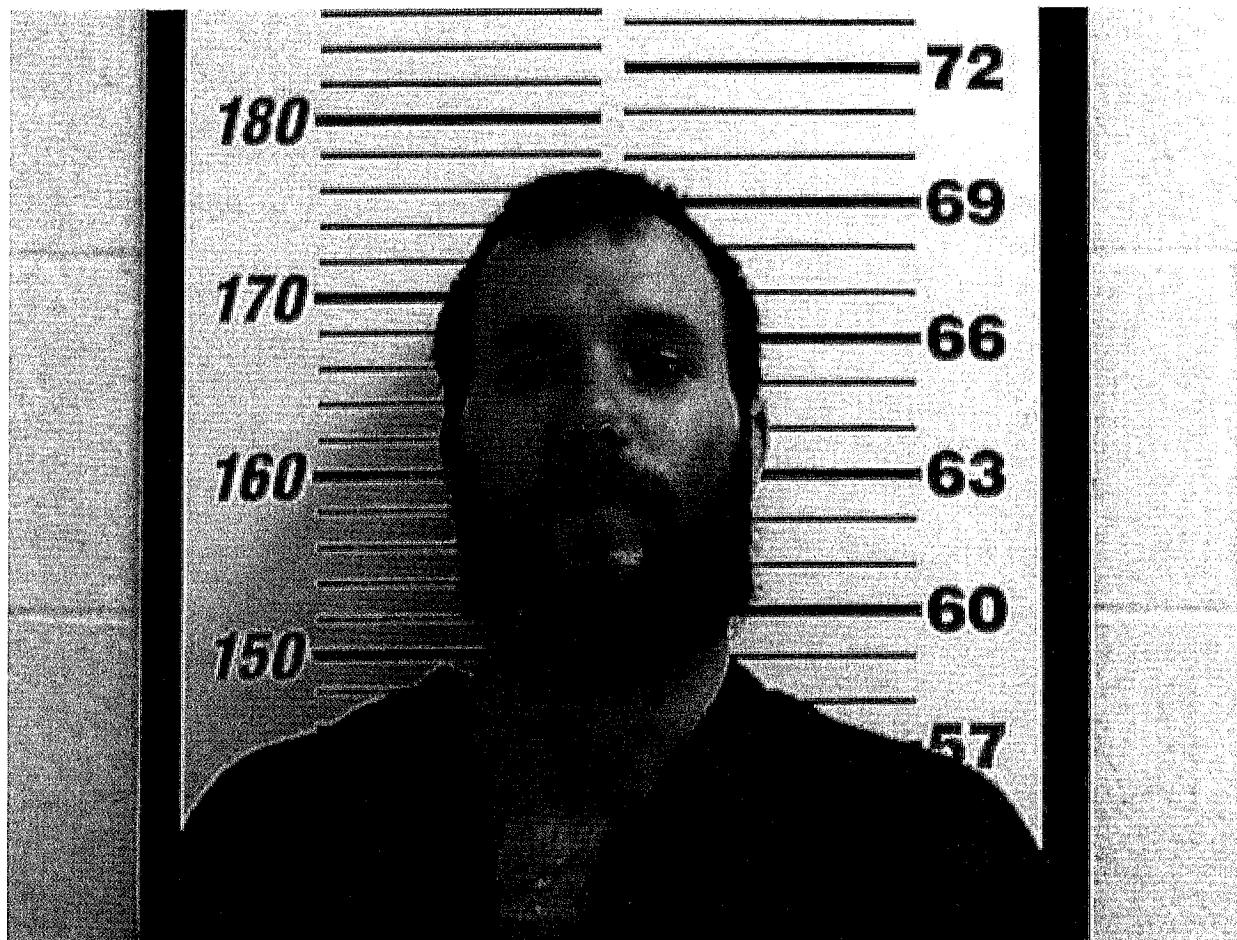
On: 27 July 2016



UNITED STATES MAGISTRATE JUDGE

Attachment A: Items to be searched

DERECK JAMES HARRISON, date of birth (DOB) 08/14/1993, currently in custody at the Davis County Jail, 800 West State Street, Farmington, UT.



Attachment B: Items to be seized

- 1) Collection of as many hairs as that are naturally shed while combing the hair
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